



103 Montgomery Street  
P.O. Box 29052  
San Francisco, CA 94129-0052  
T (415) 561-5300  
[www.presidio.gov](http://www.presidio.gov)

June 29, 2015

Mr. Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9<sup>th</sup> Floor  
Oakland, CA 94612

**Re: Freedom of Information Act ("FOIA") Request – FY15-10**

Dear Mr. Hasbrouck:

The Presidio Trust ("Trust") received your FOIA request dated April 19, 2015 for "... copies of any record of, or pertaining to, the determination or potential determination of a 'Facility Security Level' (FSL) for the Presidio of San Francisco or any portion thereof that has been created or which has become known or which becomes known to you since whatever date was used as the cut-off date for your response to our request FY15-6."

Attached are the documents responsive to your request. Because of the small number of documents involved, it is not necessary to reach a determination whether the Trust agrees with your position that you fall into the definition of "representative of the news media" (see 36 C.F.R. § 1007.9(a)(5)(vi)) or if your request is properly categorized as an "other request" under 36 C.F.R. § 1007.9(e). Further, since no fees are involved to produce this volume of documents, it is not necessary to reach a determination whether a fee waiver or fee reduction is warranted.

Please note that I have not included duplicates of emails (emails that were sent to multiple people); only one copy of each email is attached. Also, I did not include the attachment to Mr. Potts' email to Ms. Schirmer that was sent on April 7, 2015 at 5:28 p.m. – the attachment ("ISC-Risk-Management-Process\_Aug\_2013.pdf") is a public document and not properly the subject of a FOIA request.

The tracking number FY15-10 has been assigned to this request.

Sincerely,

Steve Carp  
FOIA Officer

## Carp, Steve

---

**From:** Carp, Steve  
**Sent:** Saturday, February 21, 2015 12:02 PM  
**To:** Middleton, Craig; Cook, Karen  
**Cc:** Potts, Steve  
**Subject:** Another new FOIA - Risk Management Process

We have received a FOIA request from "The Identity Project" for "all meeting minutes and other records pertaining to any 'Facility Security Committee (FSC)' for the Presidio of San Francisco or any portion thereof." The requester goes on to write, "Recommendations and standards for the establishment, operation, and regular meetings of such interagency and interdepartmental FSCs are described in Appendix D of 'The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard, available at: [http://www.dhs.gov/sites/default/files/publications/ISC\\_Risk-Management-Process\\_Aug\\_2013.pdf](http://www.dhs.gov/sites/default/files/publications/ISC_Risk-Management-Process_Aug_2013.pdf)"

The Identity Project describes itself as "a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights." They also represent that they are a representative of the news media.

I haven't heard any discussion at the Presidio about any requirements or obligations we may have in connection with the "Risk Management Process for Federal Facilities" – I have copied Steve Potts on this email to see if he knows anything about this.

## Carp, Steve

---

**From:** Potts, Steve  
**Sent:** Saturday, February 21, 2015 4:22 PM  
**To:** Carp, Steve; Middleton, Craig; Cook, Karen  
**Subject:** RE: Another new FOIA - Risk Management Process

Steve, Craig, Karen,

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I have my bi-weekly meeting with the USPP this coming week and will have this discussion with them as well. I will update all of you after my discussion with the USPP.

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**From:** Carp, Steve  
**Sent:** Saturday, February 21, 2015 4:42 PM  
**To:** Potts, Steve  
**Cc:** Cook, Karen  
**Subject:** Re: Another new FOIA - Risk Management Process

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**Sent:** Saturday, February 21, 2015 4:56 PM  
**To:** Carp, Steve  
**Cc:** Cook, Karen  
**Subject:** RE: Another new FOIA - Risk Management Process

Correct. I have scheduled USPP meetings with agenda's to discuss general municipality law enforcement issues and Jerry Healy and I discuss building security issues. But there are no meeting minutes. The USPP meeting attendees are Al Rosen, Mark Helmbrecht, Alan Ancheta (Trust budget rep), Matt Kiolbassa, Major Schirmer, Captain Pamela Smith, and me. Jerry Healy is optional depending on issues needing discussion.

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**From:** Middleton, Craig  
**Sent:** Saturday, February 21, 2015 9:29 PM  
**To:** Potts, Steve  
**Cc:** Carp, Steve; Cook, Karen  
**Subject:** Re: Another new FOIA - Risk Management Process

Thanks Steve

Sent from my iPhone

On Feb 21, 2015, at 4:22 PM, Potts, Steve <[SPotts@presidiotrust.gov](mailto:SPotts@presidiotrust.gov)> wrote:

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Trust

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February 25, 2015

Mr. Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9<sup>th</sup> Floor  
Oakland, CA 94612

Re: **Freedom of Information Act ("FOIA") Request – FY15-6**

Dear Mr. Hasbrouck:

The Presidio Trust ("Trust") received your FOIA request dated February 17, 2015 for "... copies of all meeting minutes and other records pertaining to any 'Facility Security Committee (FSC)' for the Presidio of San Francisco or any portion thereof." The Trust does not have any records responsive to this request. As for the "Facility Security Committee," the Trust has not formalized such a committee or have a need for that function. The Interagency Security Committee requires that independent agencies determine their own security level number (priority), and the Trust has determined that its number is extremely low based upon the scoring criteria. The United States Park Police is responsible for the Presidio's physical security in coordination with the Department of Homeland Security's recommendations.

The tracking number FY15-6 has been assigned to this request. If you have any questions about the Trust's response you may call me at 415.561.5339.

Sincerely,

Steve Carp  
FOIA Officer



## Carp, Steve

---

**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Sent:** Tuesday, April 07, 2015 9:48 AM  
**To:** Carp, Steve  
**Subject:** FOIA request status  
**Attachments:** Attachment information; Presidio-FOIA-FSC\_minutes-17FEB2015.pdf

Dear Mr. Carp -- I was referred to you when I called the Presidio Trust to enquire as to the status of a pending but unacknowledged and unanswered FOIA request. (Although I was eventually transsferred to your voicemail, the person who answered the phone at 415-561-5300 had no idea who the Presido Trust's FOIA Officer was, and it took repeated transfers before I was tranferred to you. You might wish to identify your FOIA Officer on your Web site, or at least provide a direct phone number or extension.)

Please advise (1) the reference number which you have assigned to the attached request, which was sent to you on February 17, 2015, (2) the status of this request, includng the estimated date of completion of agency action with respect to the request, and (3) the Internet or telephone mechanism which you have established (assuming that you have complied with the statutory mandate to have in place such a system) for obtaining updated status iunformation regarding FOIA requests.

Sincerely,

Edward Hasbrouck

-----  
Edward Hasbrouck  
<edward@hasbrouck.org>  
<<http://hasbrouck.org>>  
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consultant to The Identity Project (IDP), a program of the First Amendment Project <<http://www.papersplease.org>>

"Congress shall make no law ... abridging ... the right of the people peaceably to assemble" (U.S. Constitution, Amendment 1)

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"Liberty of movement is an indispensable condition for the free development of a person."  
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Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9th Floor  
Oakland, CA 94612

edward@hasbrouck.org  
office 510-208-7744  
cell/mobile 415-824-0214

February 17, 2015

FOIA Officer  
Presidio Trust  
P.O. Box 29052  
San Francisco, CA 94129-0052

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

Dear FOIA Officer:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of all meeting minutes and other records pertaining to any "Facility Security Committee (FSC)" for the Presidio of San Francisco or any portion thereof.

Recommendations and standards for the establishment, operation, and regular meetings of such interagency and interdepartmental FSCs are described in Appendix D of "The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard", available at:

[http://www.dhs.gov/sites/default/files/publications/ISC\\_Risk-Management-Process\\_Aug\\_2013.pdf](http://www.dhs.gov/sites/default/files/publications/ISC_Risk-Management-Process_Aug_2013.pdf)

This request includes any responsive records of the Presidio Trust DHS or any component or agency identifiable as having, or likely to have, responsive records.

We request that all responsive records be provided in electronic form. With respect to any records held in electronic form, we request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processing files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content. All such data is subject to FOIA and is expressly included within the scope of this request for records.

With respect to any e-mail messages included in the responsive records, we specifically request access to and copies of the complete electronic records, in their full and complete form as held by the agency, including all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", full lists for "distribution list" aliases, and all related metadata.

We specifically request that you not create new documents in response to this request, not create "documents" such as page-view images or print views from digital records, and not substitute such newly-created "documents", images, or views for requested records held by you as digital files.

This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on policies and procedures that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act and policies, procedures, and practices related to access to public facilities. This information is being sought on behalf of The Identity Project ("IDP"). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities in the management and control of access to, and movement within, Federal facilities. It is in the public interest for the public to know about the policies and practices which affect public access to public facilities. The Identity Project is a nonprofit organization with no commercial interest in this information.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Please respond as soon as possible to confirm your receipt of this request and to advise the expected date of completion of agency action with respect to this request. We look forward to your complete reply within 20 business days, as the FOIA statute requires.

Sincerely,

---

Edward Hasbrouck  
Consultant on travel-related issues  
The Identity Project



## Carp, Steve

---

**From:** Carp, Steve  
**Sent:** Tuesday, April 07, 2015 11:04 AM  
**To:** 'Edward Hasbrouck'  
**Subject:** Presidio FOIA FY15-6  
**Attachments:** Scanned from a Xerox multifunction device.pdf

Mr. Hasbrouck,

Attached is the Trust's response to you on February 25, 2015.

Steve Carp  
FOIA Officer  
415.561.5339

-----Original Message-----

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Sent: Tuesday, April 07, 2015 9:48 AM  
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Sincerely,

A handwritten signature in blue ink that reads "Steve Carp".

Steve Carp  
FOIA Officer



## Carp, Steve

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**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Sent:** Tuesday, April 07, 2015 11:21 AM  
**To:** Carp, Steve  
**Subject:** Re: Presidio FOIA FY15-6

On 7 Apr 2015 at 18:04, "Carp, Steve" <Carp, Steve <SCarp@presidiotrust.gov>> wrote:

> Attached is the Trust's response to you on February 25, 2015.

Thank you for sending this. I had not received this letter in any form, paper or electronic, until this e-mail copy today.

According to your letter, "The Interagency Security Committee requires that independent agencies determine their own security level number (priority), and the Trust has determined that its number is extremely low based upon the scoring criteria".

Has the Trust released any notice of this determination? This information would seem appropriate for proactive release (and perhaps required, since it affects the rights and obligations of members of the public), since according to the DHS website, the specific numeric value of this determination affects the schedule of certain aspects of implementation of the REAL-ID Act, as they relate to visitors to the Presidio.

If you haven't yet, and don't choose to, release this determination proactively, please let me know so that we can file a follow-up FOIA request for Presidio Trust records of or related to this determination.

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**To:** 'Edward Hasbrouck'  
**Subject:** RE: Presidio FOIA FY15-6

Mr. Hasbrouck,

I have no idea whether the Trust has released or published its determination that its security level number is low. I will ask the appropriate Trust person and get back to soon as soon as possible.

Steve Carp  
415.561.5339

-----Original Message-----

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(United Nations Human Rights Committee, General Comment No. 27)

## Carp, Steve

---

**From:** Carp, Steve  
**Sent:** Tuesday, April 07, 2015 12:04 PM  
**To:** Potts, Steve  
**Subject:** FW: Another new FOIA - Risk Management Process

Remember this? There is a follow up that I'm about to send your way.

---

**From:** Potts, Steve  
**Sent:** Saturday, February 21, 2015 4:56 PM  
**To:** Carp, Steve  
**Cc:** Cook, Karen  
**Subject:** RE: Another new FOIA - Risk Management Process

Correct. I have scheduled USPP meetings with agenda's to discuss general municipality law enforcement issues and Jerry Healy and I discuss building security issues. But there are no meeting minutes. The USPP meeting attendees are Al Rosen, Mark Helmbrecht, Alan Ancheta (Trust budget rep), Matt Kiolbassa, Major Schirmer, Captain Pamela Smith, and me. Jerry Healy is optional depending on issues needing discussion.

---

**From:** Carp, Steve  
**Sent:** Saturday, February 21, 2015 4:42 PM  
**To:** Potts, Steve  
**Cc:** Cook, Karen  
**Subject:** Re: Another new FOIA - Risk Management Process

Thanks for the explanation. So, you're saying that we don't have any responsive documents, right? We don't have meeting minutes or other records?

Snet from my phone os there may be tipos

On Feb 21, 2015, at 4:22 PM, "Potts, Steve" <[SPotts@presidiotrust.gov](mailto:SPotts@presidiotrust.gov)> wrote:

Steve, Craig, Karen,

I believe the group that contacted Steve Carp is referring to a document that was distributed by the Department of Homeland Security sometime in 2013 through what is known as the "Interagency Security Committee" (ISC). There are specific criteria to determine what level of security (1-4, 1 being the lowest) would apply to an agency. The criteria used for this determination would most likely put the Presidio at level 1 or lower if that was possible. There are other criteria that could apply to tenants such as the SF CDC or the Bay School. As for physical security of the Park overall, that would come under the USPP responsibility in their coordination with the Department of Homeland Security recommendations. As for the question regarding a "Facility Security Committee", we have not formalized such a committee or a need for that function. We should also keep in mind that the ISC requires the independent agencies to determine their own security level number (priority). Again, we are extremely low based on the scoring criteria.

I have my bi-weekly meeting with the USPP this coming week and will have this discussion with them as well. I will update all of you after my discussion with the USPP.

Thanks,

Steve

---

**From:** Carp, Steve

**Sent:** Saturday, February 21, 2015 12:02 PM

**To:** Middleton, Craig; Cook, Karen

**Cc:** Potts, Steve

**Subject:** Another new FOIA - Risk Management Process

We have received a FOIA request from "The Identity Project" for "all meeting minutes and other records pertaining to any 'Facility Security Committee (FSC)' for the Presidio of San Francisco or any portion thereof." The requester goes on to write, "Recommendations and standards for the establishment, operation, and regular meetings of such interagency and interdepartmental FSCs are described in Appendix D of 'The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard, available at: [http://www.dhs.gov/sites/default/files/publications/ISC\\_Risk-Management-Process\\_Aug\\_2013.pdf](http://www.dhs.gov/sites/default/files/publications/ISC_Risk-Management-Process_Aug_2013.pdf)"

The Identity Project describes itself as "a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights." They also represent that they are a representative of the news media.

I haven't heard any discussion at the Presidio about any requirements or obligations we may have in connection with the "Risk Management Process for Federal Facilities" – I have copied Steve Potts on this email to see if he knows anything about this.



## Carp, Steve

---

**From:** Carp, Steve  
**Sent:** Tuesday, April 07, 2015 12:06 PM  
**To:** Potts, Steve  
**Subject:** FW: Presidio FOIA FY15-6  
  
**Importance:** High

-----Original Message-----

From: Carp, Steve  
Sent: Tuesday, April 07, 2015 12:02 PM  
To: 'Edward Hasbrouck'  
Subject: RE: Presidio FOIA FY15-6

Mr. Hasbrouck,

I have no idea whether the Trust has released or published its determination that its security level number is low. I will ask the appropriate Trust person and get back to soon as soon as possible.

Steve Carp  
415.561.5339

-----Original Message-----

From: Edward Hasbrouck [mailto:edward@hasbrouck.org]  
Sent: Tuesday, April 07, 2015 11:21 AM  
To: Carp, Steve  
Subject: Re: Presidio FOIA FY15-6

According to your letter, "The Interagency Security Committee requires that independent agencies determine their own security level number (priority), and the Trust has determined that its number is extremely low based upon the scoring criteria".

Has the Trust released any notice of this determination? This information would seem appropriate for proactive release (and perhaps required, since it affects the rights and obligations of members of the public), since according to the DHS website, the specific numeric value of this determination affects the schedule of certain aspects of implementation of the REAL-ID Act, as they relate to visitors to the Presidio.

If you haven't yet, and don't choose to, release this determination proactively, please let me know so that we can file a follow-up FOIA request for Presidio Trust records of or related to this determination.

Sincerely,

Edward Hasbrouck

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**Sent:** Tuesday, April 07, 2015 12:31 PM  
**To:** Rosen, Alfred  
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Presidio at level 1 or lower if that was possible. There are other criteria that could apply to tenants such as the SF CDC or the Bay School. As for physical security of the Park overall, that would come under the USPP responsibility in their coordination with the Department of Homeland Security recommendations. As for the question regarding a "Facility Security Committee", we have not formalized such a committee or a need for that function. We should also keep in mind that the ISC requires the independent agencies to determine their own security level number (priority). Again, we are extremely low based on the scoring criteria.

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**To:** Middleton, Craig; Cook, Karen

**Cc:** Potts, Steve

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I haven't heard any discussion at the Presidio about any requirements or obligations we may have in connection with the "Risk Management Process for Federal Facilities" – I have copied Steve Potts on this email to see if he knows anything about this.

## Rosen, Alfred

---

**From:** Potts, Steve  
**Sent:** Tuesday, April 07, 2015 5:28 PM  
**To:** Schirmer, Noreen  
**Cc:** Smith, Pamela; Rosen, Alfred  
**Subject:** FW: Another new FOIA - Risk Management Process  
**Attachments:** ISC\_Risk-Management-Process\_Aug\_2013.pdf

Hi,

The Trust is once again getting a request to publish our response and/or action taken regarding the "The Risk Management Process for Federal Facilities" issued by the Department of Homeland Security. I believe we discussed this back in February of this year and you and I were going to do a bit of research to see how this would, or if, this would apply to the Presidio. I read through the document and provided my response based on the criteria (see below). The original request from the person calling for our compliance is at the bottom of this email chain. I've also attached the "Risk Management Process for Federal Facilities" issued by DHS in 2013.

Please let me know your thoughts based on the criteria stated in the assessment process of the attached DHS document.

Thanks,

Steve

Stephen Potts  
Director of Public Safety and Municipal Services  
Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
(415) 561-5300  
[www.presidio.gov](http://www.presidio.gov)  
[Facebook](#) | [Twitter](#)

**From:** Potts, Steve  
**Sent:** Saturday, February 21, 2015 4:22 PM  
**To:** Carp, Steve; Middleton, Craig; Cook, Karen  
**Subject:** RE: Another new FOIA - Risk Management Process

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## Rosen, Alfred

---

**From:** Potts, Steve  
**Sent:** Tuesday, April 07, 2015 6:47 PM  
**To:** Schirmer, Noreen  
**Cc:** Smith, Pamela; Rosen, Alfred  
**Subject:** RE: FW: Another new FOIA - Risk Management Process

Thanks Noreen. These are great observations and your thoughts on assessments make perfect sense. I'll ask Cindy to schedule a meeting for us later this week if it works out for everyone's calendar.

Steve

Stephen Potts  
Director of Public Safety and Municipal Services  
Presidio Trust  
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San Francisco, CA 94129  
(415) 561-5300  
[www.presidio.gov](http://www.presidio.gov)  
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**From:** Schirmer, Noreen [mailto:noreen\_schirmer@nps.gov]  
**Sent:** Tuesday, April 07, 2015 6:36 PM  
**To:** Potts, Steve  
**Cc:** Smith, Pamela; Rosen, Alfred  
**Subject:** Re: FW: Another new FOIA - Risk Management Process

Hi all,

I reviewed this document with regards to 1217 and made a preliminary conclusion that it would be a level III. The countermeasures aren't included as an addendum but must be requested separately to determine what is needed for a level III. I've tasked Sgt. Falzone with conducting an assessment. Since the Presidio is a campus with multiple facilities of varying levels, it seems more prudent to assess each building or category of buildings. Otherwise, if I'm reading the standards correctly, all buildings would be held to the highest level determined. It also only covers buildings and facilities occupied by Federal Employees. As such, the standards wouldn't apply to the majority of the building on the Presidio. Ultimately, an assessment should be completed for the other buildings occupied by Federal Employees as well. The level is determined by the tenant in consultation with the owner/leasing agency and the organization with security responsibilities.

I'm happy to meeting and discuss further. Thoughts?

Noreen

On Tue, Apr 7, 2015 at 5:27 PM, Potts, Steve <[SPotts@presidiotrust.gov](mailto:SPotts@presidiotrust.gov)> wrote:

Hi,

The Trust is once again getting a request to publish our response and/or action taken regarding the "The Risk Management Process for Federal Facilities" issued by the Department of Homeland Security. I believe we discussed this back in February of this year and you and I were going to do a bit of research to see how this would, or if, this would apply to the Presidio. I read through the document and provided my response based on the criteria (see below). The original request from the person calling for our compliance is at the bottom of this email chain. I've also attached the "Risk Management Process for Federal Facilities" issued by DHS in 2013.

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Director of Public Safety and Municipal Services

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--

Major Noreen T. Schirmer  
United States Park Police  
Commander, San Francisco Field Office  
1217 Ralston Avenue  
San Francisco, CA 94129

415-561-5149 Office  
912-341-9430 Cell  
415-561-5166 Fax

Confidentiality Notice: This message (including any attachments) is intended exclusively for the individual(s) to whom it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of this message.

## Carp, Steve

---

**From:** Potts, Steve  
**Sent:** Tuesday, April 07, 2015 6:57 PM  
**To:** Carp, Steve  
**Subject:** FW: URGENT: GOGA security docs: FOIA request

Major Schirmer and I are meeting this week. After reviewing the DHS documents, she has specific thoughts and assessment proposals that may expedite our response. You'll see by the email below that the NPS is receiving the same inquiries from the same source.

Steve

**From:** Schirmer, Noreen [mailto:noreen\_schirmer@nps.gov]  
**Sent:** Tuesday, April 07, 2015 6:47 PM  
**To:** Potts, Steve  
**Subject:** Fwd: URGENT: GOGA security docs: FOIA request

Just an FYI...GGNRA received the same FOIA request.

----- Forwarded message -----

**From:** Schirmer, Noreen <noreen\_schirmer@nps.gov>  
**Date:** Tue, Apr 7, 2015 at 6:45 PM  
**Subject:** Re: URGENT: GOGA security docs: FOIA request  
**To:** "Levitt, Howard" <howard\_levitt@nps.gov>

Howard,

We do not have an FSC for the Presidio as of February 17, 2015. But it's possible that we should and we're looking into it based on the ISC standards issued in 2013.

On Tue, Apr 7, 2015 at 4:59 PM, Levitt, Howard <howard\_levitt@nps.gov> wrote:

Randy, Noreen, and Pamela:

Sorry we didn't follow up with a mtg poll after my 2/17 note. Can you confirm whether or not we have a Facility Security Committee or Committees for GOGA, Alca, or Presidio, as described in the FOIA request from Feb 17

----- Forwarded message -----

**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Date:** Tue, Feb 17, 2015 at 12:18 PM  
**Subject:** FOIA request  
**To:** [npsfoia@nps.gov](mailto:npsfoia@nps.gov)

From: Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9th Floor  
Oakland, CA 94612  
[edward@hasbrouck.org](mailto:edward@hasbrouck.org)  
office 510-208-7744



cell/mobile 415-824-0214

To: Charis Wilson  
FOIA Officer  
National Park Service  
P.O. Box 25287  
Denver, CO 80225

(by mail and by e-mail to [npsfoia@nps.gov](mailto:npsfoia@nps.gov))

FOIA REQUEST

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of all meeting minutes and other records pertaining to any "Facility Security Committee (FSC)" for each of the following entities within the NPS:

1. Golden Gate National Recreation Area, CA
2. Alcatraz Island unit, Golden Gate National Recreation Area, San Francisco, CA
3. Presidio of San Francisco, Golden Gate National Recreation Area, San Francisco, CA

Recommendations and standards for the establishment, operation, and regular meetings of such interagency and interdepartmental FSCs are described in Appendix D of "The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard", available at:

[http://www.dhs.gov/sites/default/files/publications/ISC\\_Risk-Management-Process\\_Aug\\_2013.pdf](http://www.dhs.gov/sites/default/files/publications/ISC_Risk-Management-Process_Aug_2013.pdf)

This request includes any responsive records of the NPS or any component or agency identifiable as having, or likely to have, responsive records.

We request that all responsive records be provided in electronic form. With respect to any records held in electronic form, we request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processing files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content. All such data is subject to FOIA and is expressly included within the scope of this request for records.

With respect to any e-mail messages included in the responsive records, we specifically request access to and copies of the complete electronic records, in their full and complete form as held by the agency, including

all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", full lists for "distribution list" aliases, and all related metadata.

We specifically request that you not create new documents in response to this request, not create "documents" such as page-view images or print views from digital records, and not substitute such newly-created "documents", images, or views for requested records held by you as digital files.

This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on policies and procedures that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act and policies, procedures, and practices related to access to public facilities. This information is being sought on behalf of The Identity Project ("IDP"). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <http://www.papersPlease.org>, where we have published documents obtained in response to our previous FOIA requests.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities in the management and control of access to, and movement within, Federal facilities. It is in the public interest for the public to know about the policies and practices which affect public access to public facilities. The Identity Project is a nonprofit organization with no commercial interest in this information.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Please respond as soon as possible to confirm your receipt of this request and to advise the

expected date of completion of agency action with respect to this request.  
We look forward to your complete reply within 20 business days, as the  
FOIA statute requires.

Sincerely,

Edward Hasbrouck  
Consultant on travel-related issues  
The Identity Project

-----  
Edward Hasbrouck  
<[edward@hasbrouck.org](mailto:edward@hasbrouck.org)>  
<<http://hasbrouck.org>>

1130 Treat Ave., San Francisco, CA 94110, USA  
+1-415-824-0214

consultant to The Identity Project (IDP),  
a program of the First Amendment Project  
<<http://www.papersplease.org>>

"Congress shall make no law ... abridging ... the right of the  
people peaceably to assemble" (U.S. Constitution, Amendment 1)

"Everyone has the right to freedom of movement and residence  
within the borders of each state. Everyone has the right to leave  
any country, including his own, and to return to his country."  
(Universal Declaration of Human Rights, Article 13)

"Liberty of movement is an indispensable  
condition for the free development of a person."  
(United Nations Human Rights Committee,  
General Comment No. 27

## Carp, Steve

---

**From:** Carp, Steve  
**Sent:** Wednesday, April 08, 2015 2:32 PM  
**To:** Rosen, Alfred; Potts, Steve  
**Subject:** FW: Presidio FOIA FY15-6

**Importance:** High

So, despite the typo in yesterday's response to the requester, I wrote that I would get back to him as soon as possible. Any suggestions on what I should say to him? I think I have an obligation to write something today or tomorrow - if nothing else, at least to let him know that we're looking into something . . .

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Mr. Hasbrouck,

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Steve Carp  
415.561.5339

-----Original Message-----

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**Sent:** Wednesday, April 08, 2015 2:44 PM  
**To:** Carp, Steve  
**Subject:** RE: Presidio FOIA FY15-6

You could say that the level determination is "Pre-decisional" pending review by the United States Park Police, who are the authority having jurisdiction of law enforcement and community protection on the Presidio. We are meeting with the USPP this coming Friday which include the Major, Captain of Operations, and Security Officer.

Stephen Potts  
Director of Public Safety and Municipal Services Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
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(415) 561-5300  
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-----Original Message-----

**From:** Carp, Steve  
**Sent:** Tuesday, April 07, 2015 12:31 PM  
**To:** Rosen, Alfred  
**Subject:** FW: Presidio FOIA FY15-6  
**Importance:** High

-----Original Message-----

**From:** Carp, Steve  
**Sent:** Tuesday, April 07, 2015 12:06 PM  
**To:** Potts, Steve  
**Subject:** FW: Presidio FOIA FY15-6  
**Importance:** High

-----Original Message-----

From: Carp, Steve  
Sent: Tuesday, April 07, 2015 12:02 PM  
To: 'Edward Hasbrouck'  
Subject: RE: Presidio FOIA FY15-6

Mr. Hasbrouck,

I have no idea whether the Trust has released or published its determination that its security level number is low. I will ask the appropriate Trust person and get back to soon as soon as possible.

Steve Carp  
415.561.5339

-----Original Message-----

From: Edward Hasbrouck [mailto:edward@hasbrouck.org]  
Sent: Tuesday, April 07, 2015 11:21 AM  
To: Carp, Steve  
Subject: Re: Presidio FOIA FY15-6

According to your letter, "The Interagency Security Committee requires that independent agencies determine their own security level number (priority), and the Trust has determined that its number is extremely low based upon the scoring criteria".

Has the Trust released any notice of this determination? This information would seem appropriate for proactive release (and perhaps required, since it affects the rights and obligations of members of the public), since according to the DHS website, the specific numeric value of this determination affects the schedule of certain aspects of implementation of the REAL-ID Act, as they relate to visitors to the Presidio.

If you haven't yet, and don't choose to, release this determination proactively, please let me know so that we can file a follow-up FOIA request for Presidio Trust records of or related to this determination.

Sincerely,

Edward Hasbrouck

## Carp, Steve

---

**From:** Carp, Steve  
**Sent:** Wednesday, April 08, 2015 2:55 PM  
**To:** Rosen, Alfred  
**Subject:** FW: Presidio FOIA FY15-6

Al, what do you think? BTW, "pre-decisional" is a FOIA term that doesn't really apply to this situation, so I'm reluctant to use a phrase referring to a FOIA exemption with someone who understands FOIA. I certainly can come up with another way to phrase it, but I wanted to run Steve's approach by you.

-----Original Message-----

**From:** Potts, Steve  
**Sent:** Wednesday, April 08, 2015 2:44 PM  
**To:** Carp, Steve  
**Subject:** RE: Presidio FOIA FY15-6

You could say that the level determination is "Pre-decisional" pending review by the United States Park Police, who are the authority having jurisdiction of law enforcement and community protection on the Presidio. We are meeting with the USPP this coming Friday which include the Major, Captain of Operations, and Security Officer.

Stephen Potts  
Director of Public Safety and Municipal Services Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
(415) 561-5300  
[www.presidio.gov](http://www.presidio.gov)  
Facebook | Twitter

-----Original Message-----

**From:** Carp, Steve  
**Sent:** Wednesday, April 08, 2015 2:33 PM  
**To:** Rosen, Alfred; Potts, Steve  
**Subject:** FW: Presidio FOIA FY15-6  
**Importance:** High

So, despite the typo in yesterday's response to the requester, I wrote that I would get back to him as soon as possible. Any suggestions on what I should say to him? I think I have an obligation to write something today or tomorrow - if nothing else, at least to let him know that we're looking into something . . .

-----Original Message-----

**From:** Carp, Steve  
**Sent:** Tuesday, April 07, 2015 12:31 PM  
**To:** Rosen, Alfred  
**Subject:** FW: Presidio FOIA FY15-6  
**Importance:** High

-----Original Message-----

From: Carp, Steve  
Sent: Tuesday, April 07, 2015 12:06 PM  
To: Potts, Steve  
Subject: FW: Presidio FOIA FY15-6  
Importance: High

-----Original Message-----

From: Carp, Steve  
Sent: Tuesday, April 07, 2015 12:02 PM  
To: 'Edward Hasbrouck'  
Subject: RE: Presidio FOIA FY15-6

Mr. Hasbrouck,

I have no idea whether the Trust has released or published its determination that its security level number is low. I will ask the appropriate Trust person and get back to soon as soon as possible.

Steve Carp  
415.561.5339

-----Original Message-----

From: Edward Hasbrouck [mailto:edward@hasbrouck.org]  
Sent: Tuesday, April 07, 2015 11:21 AM  
To: Carp, Steve  
Subject: Re: Presidio FOIA FY15-6

According to your letter, "The Interagency Security Committee requires that independent agencies determine their own security level number (priority), and the Trust has determined that its number is extremely low based upon the scoring criteria".

Has the Trust released any notice of this determination? This information would seem appropriate for proactive release (and perhaps required, since it affects the rights and obligations of members of the public), since according to the DHS website, the specific numeric value of this determination affects the schedule of certain aspects of implementation of the REAL-ID Act, as they relate to visitors to the Presidio.

If you haven't yet, and don't choose to, release this determination proactively, please let me know so that we can file a follow-up FOIA request for Presidio Trust records of or related to this determination.

Sincerely,

Edward Hasbrouck

Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9th Floor  
Oakland, CA 94612

edward@hasbrouck.org  
office 510-208-7744  
cell/mobile 415-824-0214

April 8, 2015

Mr. Steve Carp  
FOIA Officer  
Presidio Trust  
P.O. Box 29052  
San Francisco, CA 94129-0052

(by mail and by e-mail to <SCarp@presidiotrust.gov>)

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

Dear Mr. Carp:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of any record of, or pertaining to, the determination or potential determination of a "Facility Security Level" (FSL) for the Presidio of San Francisco or any portion thereof.

This request includes any responsive records of the Presidio Trust or any component or agency identifiable as having, or likely to have, responsive records, including any communications between the Presidio Trust and other agencies or departments regarding FSL determinations.

We request that all responsive records be provided in electronic form. With respect to any records held in electronic form, we request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processing files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content. All such data is subject to FOIA and is expressly included within the scope of this request for records.

With respect to any e-mail messages included in the responsive records, we specifically request access to and copies of the complete electronic records, in their full and complete form as held by the agency, including all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", full lists for "distribution list" aliases, and all related metadata.

We specifically request that you not create new documents in response to this request, not create "documents" such as page-view images or print views from digital records, and not substitute such newly-created "documents", images, or views for requested records held by you as digital files.

This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on policies and procedures that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act and policies, procedures, and practices related to access to public facilities. According to the "REAL ID Frequently Asked Questions for the Public", available at <<http://www.dhs.gov/real-id-public-faqs>>, the "Facility Security Level" assigned to any Federal facility determines the date of implementation of certain aspects of the REAL-ID Act applicable to visitors to that facility. This information is being sought on behalf of The Identity Project ("IDP"). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities in the management and control of access to, and movement within, Federal facilities. It is in the public interest for the public to know about the policies and practices which affect public access to public facilities. The Identity Project is a nonprofit organization with no commercial interest in this information.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Please respond as soon as possible to confirm your receipt of this request and to advise the expected date of completion of agency action with respect to this request. We look forward to your complete reply within 20 business days, as the FOIA statute requires.

Sincerely,



Edward Hasbrouck  
Consultant on travel-related issues  
The Identity Project



## Ferrell, Bart

---

**Subject:** Facility Security Committee Meeting  
**Location:** Building 103 2nd Floor Legal Conference Room  
**Start:** Thu 4/23/2015 11:00 AM  
**End:** Thu 4/23/2015 12:00 PM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
**Organizer:** Potts, Steve  
**Required Attendees:** Ferrell, Bart; Hart, Cindy; Rosen, Alfred; pamela\_smith@nps.gov; Schirmer, Noreen; 'Michael\_Falzone@nps.gov' (Michael\_Falzone@nps.gov) (Michael\_Falzone@nps.gov)

**Hart, Cindy**

---

**From:** Hart, Cindy  
**Sent:** Thursday, April 23, 2015 1:27 PM  
**To:** Rosen, Alfred  
**Subject:** meeting minutes  
**Attachments:** Facility Security Committee Meeting Minutes - 4-23-15.docx

Hi Al,

Attached for your review. Please let me know if you would like me to use another format going forward...

Thank you,

Cindy

\*\*\*\*\*

**Cindy Hart**  
Executive Assistant – Public Safety & Municipal Services

Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
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## **Facility Security Committee Meeting**

April 23, 2015 – 11:00am to 12:00pm

### **Stakeholders Present:**

- Trust – Bart Ferrell, Steve Potts, Al Rosen
- USPP - Captain Pamela Smith, Sargent Michael Falzone

### **Stakeholders Not Present:**

- USPP – Major Noreen Schirmer

Meeting Purpose: Documentation of process due to request from individual.

Due to prior commitments not all stakeholders present.

It was determined that all stakeholders are necessary to conduct the meeting so will reconvene at such time when all necessary parties are able to attend.

Meeting convened at 11:15am.

## Ferrell, Bart

---

**From:** Potts, Steve  
**Sent:** Thursday, April 23, 2015 6:27 PM  
**To:** Ferrell, Bart  
**Subject:** FW: Another new FOIA - Risk Management Process

FYI on the background for the meeting this afternoon with Al Rosen and the USPP.

Stephen Potts  
Director of Public Safety and Municipal Services  
Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
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[Facebook](#) | [Twitter](#)

**From:** Carp, Steve  
**Sent:** Saturday, February 21, 2015 12:02 PM  
**To:** Middleton, Craig; Cook, Karen  
**Cc:** Potts, Steve  
**Subject:** Another new FOIA - Risk Management Process

We have received a FOIA request from "The Identity Project" for "all meeting minutes and other records pertaining to any 'Facility Security Committee (FSC)' for the Presidio of San Francisco or any portion thereof." The requester goes on to write, "Recommendations and standards for the establishment, operation, and regular meetings of such interagency and interdepartmental FSCs are described in Appendix D of 'The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard, available at: [http://www.dhs.gov/sites/default/files/publications/ISC\\_Risk-Management-Process\\_Aug\\_2013.pdf](http://www.dhs.gov/sites/default/files/publications/ISC_Risk-Management-Process_Aug_2013.pdf)"

The Identity Project describes itself as "a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights." They also represent that they are a representative of the news media.

I haven't heard any discussion at the Presidio about any requirements or obligations we may have in connection with the "Risk Management Process for Federal Facilities" – I have copied Steve Potts on this email to see if he knows anything about this.

## Ferrell, Bart

---

**From:** Ferrell, Bart  
**Sent:** Friday, April 24, 2015 6:38 AM  
**To:** Potts, Steve  
**Cc:** Rosen, Alfred  
**Subject:** RE: Another new FOIA - Risk Management Process

Steve,

Thank you for forwarding the e-mail below. I've read the attached hyperlink document's "Message from the Interagency Security Agency Chair" and reviewed the subsequent table of contents outlining the overall 94 pages.

Bart Ferrell  
Director of Human Resources

**From:** Potts, Steve  
**Sent:** Thursday, April 23, 2015 6:27 PM  
**To:** Ferrell, Bart  
**Subject:** FW: Another new FOIA - Risk Management Process

FYI on the background for the meeting this afternoon with Al Rosen and the USPP.

Stephen Potts  
Director of Public Safety and Municipal Services  
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**From:** Carp, Steve  
**Sent:** Saturday, February 21, 2015 12:02 PM  
**To:** Middleton, Craig; Cook, Karen  
**Cc:** Potts, Steve  
**Subject:** Another new FOIA - Risk Management Process

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I haven't heard any discussion at the Presidio about any requirements or obligations we may have in connection with the "Risk Management Process for Federal Facilities" – I have copied Steve Potts on this email to see if he knows anything about this.





Presidio  
Trust

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[www.presidio.gov](http://www.presidio.gov)

May 1, 2015

Mr. Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9<sup>th</sup> Floor  
Oakland, CA 94612

**Re: Freedom of Information Act ("FOIA") Request – FY15-7**

Dear Mr. Hasbrouck:

The Presidio Trust ("Trust") received your FOIA request dated April 8, 2015 for "... copies of any record of, or pertaining to, the determination or potential determination of a 'Facility Security Level' (FSL) for the Presidio of San Francisco or any portion thereof." The Trust does not have any records responsive to this request. The Trust is in the process of reviewing the FSL determination for the portion of the Presidio under the Trust's administrative jurisdiction.

The tracking number FY15-7 has been assigned to this request.

Sincerely,

Steve Carp  
FOIA Officer

**Hart, Cindy**

---

**From:** Rosen, Alfred  
**Sent:** Friday, May 01, 2015 12:34 PM  
**To:** Hart, Cindy  
**Cc:** Potts, Steve  
**Subject:** RE: meeting minutes

Thanks, Cindy. Format is fine, but a few more details are appropriate as I indicate below. Please let me know if there are any questions.

Al

### **Facility Security Committee Meeting**

April 23, 2015 — ~~11:00am to 12:00pm~~

Meeting convened at 11:15 am

Stakeholders Present:

- Trust – Bart Ferrell, Steve Potts, Al Rosen
- USPP - Captain Pamela Smith, Sargent Michael Falzone

Stakeholders Not Present:

- USPP – Major Noreen Schirmer

Meeting Purpose: ~~Documentation of process due to request from individual.~~ Establishment of Facility Security Level (FSL)

Due to prior commitments not all stakeholders present.

It was determined that all stakeholders are necessary to conduct the meeting. In particular, Major Schirmer was to provide input on NPS activity/process relating to FSL determination. ~~so~~ Committee will reconvene at such time when all necessary parties are able to attend.

Meeting ~~convened at 11:15am.~~ Adjourned at approximately 11:40 am.

---

**From:** Hart, Cindy  
**Sent:** Thursday, April 23, 2015 1:28 PM  
**To:** Rosen, Alfred  
**Subject:** meeting minutes

Hi Al,

Attached for your review. Please let me know if you would like me to use another format going forward...

Thank you,

Cindy

\*\*\*\*\*

## Rosen, Alfred

---

**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Sent:** Thursday, May 07, 2015 6:20 PM  
**To:** Rosen, Alfred  
**Subject:** Re: Following up on our conversation yesterday re your FOIA request

On 7 May 2015 at 23:37, "Rosen, Alfred" <Rosen, Alfred <ARosen@presidiotrust.gov>> wrote:

> I have reviewed the Trust's FOIA regulations at 36 CFR 1007 and have  
> these thoughts to share with you:  
>  
> \* Yesterday I stated my understanding that the Trust's FOIA process  
> applied only to records in existence at the time the request is received.  
> In reviewing our regulations, I see that such is the case (1007.3 (c)).

Those regulations appear similar to other FOIA regulations that have been found by courts to be contrary to the FOIA statute. The usual source of advice from within the Federal government for FOIA officers is the FOIA guidance from the Office of Information Policy (OIP) of the Department of Justice, which has addressed the issue of search cut-off dates here:

<http://www.justice.gov/oip/blog/foia-post-2004-use-cut-dates-foia-searches>

"From the case law addressing this issue thus far, it is clear that a search conducted using a cut-off based on the date that the search begins (i.e., a "date-of-search cut-off") will be viewed by the courts much more favorably than a search that uses a less inclusive cut-off, such as one based on the date of the request or of the request's receipt (i.e., a "date-of-request cut-off").... The significance of a date-of-search cut-off is most evident when the subject of the request is a matter involving ongoing agency activity, such that records are still being created after the request is made."

> \* In our conversation yesterday, you stated that you should have at  
> least received copies of the correspondence that you and Mr. Carp  
> previously had as those records "pertain" to the FSL determination. I  
> will endeavor to locate such correspondence.

My reference was not only to correspondence between myself and Mr. Carp, but to any records of Mr. Carp's communication with others within or outside the Presidio Trust pertaining to the issue of whether an FSL has been assigned, or whether such an assignment has been contemplated. Mr. Carp's letter suggests that such records are likely to exist..

If you have come to the realization that responsive records (including these) are likely to exist, but were not searched for or disclosed, the proper action is to explicitly rescind your agency's earlier erroneous determination, conduct a proper search, and release all non-exempt records responsive to the original request. This would, of course, be what would be ordered eventually on remand following a successful administrative appeal of the original erroneous adverse determination. I invite you to do so, to obviate the need for an administrative appeal.

\* With respect to the failure to notify you of appeal rights, I  
> could not find a provision in the regulations that addresses a  
> situation where a request is denied because the FOIA Officer believes  
> that no responsive records are in existence.

It is long-settled FOIA law that a finding that no responsive records are held by the agency constitutes an adverse determination. See:

<http://www.justice.gov/oip/blog/foia-update-oip-guidance-procedural-rules-under-dc-circuits-oglesby-decision>

"All of the other agencies had formally notified Oglesby of his right to take an administrative appeal, as required by the Act in the case of any "adverse determination." 5 U.S.C. § 552(a)(6)(A)(i). The State Department, however, had not located any record responsive to Oglesby's FOIA request and therefore had not included an administrative appeal notification in its response letter. Viewing such a "no record" response as an "adverse determination," the D.C. Circuit concluded that Oglesby was not obligated to appeal that response administratively in the absence of any notification of his right to do so. See 920 F.2d at 67."

> \* I acknowledge the difference of opinion between your view and the  
> Trust's regulatory position on "records in existence." Rather than  
> continue down that road, I would like to suggest an alternative. If  
> you will resend your letter of April 8th but revised with today's  
> date, the Trust will then be required to search for all records prior  
> to the date we receive your second letter. As a practical matter,  
> that should dispose of the differing interpretation of the "records in  
> existence" issue with respect to your April 8 letter and Mr. Carp's May 1 response.

I will send such a new request for more recent records, in addition to my administrative appeal of the inadequate search and improper adverse determination that no records exist "responsive" to our earlier request.

Sincerely,

Edward Hasbrouck

The Identity Project

## Rosen, Alfred

---

**From:** Edward Hasbrouck <edward@hasbrouck.org>  
**Sent:** Tuesday, May 19, 2015 12:38 PM  
**To:** Carp, Steve  
**Cc:** Rosen, Alfred  
**Subject:** new FOIA request  
**Attachments:** Attachment information; Presidio-FOIA-FSL-19MAY2015.pdf

Attached please find a new FOIA request, as suggested by Mr. Rosen. If you are able to complete your response to this request before the deadline for our administrative appeal of your inadequate search, erroneous search cutoff date, and failure to produce the responsive records of the FOIA Office itself in response to our earlier request FY15-6, this may obviate the need for an administrative appeal of that earlier improper response.

Sincerely,

Edward Hasbrouck

-----  
Edward Hasbrouck  
<edward@hasbrouck.org>  
<<http://hasbrouck.org>>  
<<http://twitter.com/ehasbrouck>>  
+1-415-824-0214

"The Practical Nomad: How to Travel Around the World" (5th ed., 2011) <http://hasbrouck.org/PN>

Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9th Floor  
Oakland, CA 94612

edward@hasbrouck.org  
office 510-208-7744  
cell/mobile 415-824-0214

May 19, 2015

Mr. Steve Carp  
FOIA Officer  
Presidio Trust  
P.O. Box 29052  
San Francisco, CA 94129-0052

(by mail and by e-mail to <[SCarp@presidiotrust.gov](mailto:SCarp@presidiotrust.gov)> and <[Arosen@presidiotrust.gov](mailto:Arosen@presidiotrust.gov)>)

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

Dear Mr. Carp:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of any record of, or pertaining to, the determination or potential determination of a "Facility Security Level" (FSL) for the Presidio of San Francisco or any portion thereof that has been created or which has become known or which becomes known to you since whatever date was used as the cut-off date for your response to our request FY15-6. We also request the entirety of any document, electronic file, or other record containing any responsive records.

This request includes any responsive records of the Presidio Trust or any component or agency identifiable as having, or likely to have, responsive records, including any records of e-mail or other communications within the Presidio Trust (including but not limited to those including the FOIA Office) or between the Presidio Trust and other agencies or departments regarding FSL determinations.

We request that all responsive records be provided in electronic form. With respect to any records held in electronic form, we request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processing files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content. All such data is subject to FOIA and is expressly included within the scope of this request for records.

With respect to any e-mail messages included in the responsive records, we specifically request access to and copies of the complete electronic records, in their full and complete form as held by the agency, including all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", full lists for "distribution list" aliases, and all related metadata.

The Identity Project FOIA request for records of Facility Security Level (page 1 of 2)



We specifically request that you not create new documents in response to this request, not create "documents" such as page-view images or print views from digital records, and not substitute such newly-created "documents", images, or views for requested records held by you as digital files.

This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on policies and procedures that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act and policies, procedures, and practices related to access to public facilities. According to the "REAL ID Frequently Asked Questions for the Public", available at <<http://www.dhs.gov/real-id-public-faqs>>, the "Facility Security Level" assigned to any Federal facility determines the date of implementation of certain aspects of the REAL-ID Act applicable to visitors to that facility. This information is being sought on behalf of The Identity Project ("IDP"). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities in the management and control of access to, and movement within, Federal facilities. It is in the public interest for the public to know about the policies and practices which affect public access to public facilities. The Identity Project is a nonprofit organization with no commercial interest in this information.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Please respond as soon as possible to confirm your receipt of this request and to advise the expected date of completion of agency action with respect to this request. We look forward to your complete reply within 20 business days, as the FOIA statute requires.

Sincerely,

---

Edward Hasbrouck  
Consultant on travel-related issues  
The Identity Project

## Rosen, Alfred

---

**From:** Dallmann, Kelly  
**Sent:** Thursday, May 21, 2015 11:30 AM  
**To:** Rosen, Alfred  
**Subject:** FW: Scanned from a Xerox multifunction device  
**Attachments:** Scanned from a Xerox multifunction device.pdf

You'll handle this, yes?

-----Original Message-----

From: Xerox@presidiotrust.gov [mailto:Xerox@presidiotrust.gov]  
Sent: Thursday, May 21, 2015 11:11 AM  
To: Dallmann, Kelly; Taylor, Michelle  
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: machine location not set  
Device Name: XRX\_9C934E024A8E

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

Edward Hasbrouck  
The Identity Project  
1736 Franklin Street, 9th Floor  
Oakland, CA 94612

edward@hasbrouck.org  
office 510-208-7744  
cell/mobile 415-824-0214

May 19, 2015

Mr. Steve Carp  
FOIA Officer  
Presidio Trust  
P.O. Box 29052  
San Francisco, CA 94129-0052

(by mail and by e-mail to <[SCarp@presidiotrust.gov](mailto:SCarp@presidiotrust.gov)> and <[Arosen@presidiotrust.gov](mailto:Arosen@presidiotrust.gov)>)

**FOIA REQUEST**

**Fee benefit requested**

**Fee waiver requested**

Dear Mr. Carp:

This is a request pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552.

We request access to and copies of any record of, or pertaining to, the determination or potential determination of a "Facility Security Level" (FSL) for the Presidio of San Francisco or any portion thereof that has been created or which has become known or which becomes known to you since whatever date was used as the cut-off date for your response to our request FY15-6. We also request the entirety of any document, electronic file, or other record containing any responsive records.

This request includes any responsive records of the Presidio Trust or any component or agency identifiable as having, or likely to have, responsive records, including any records of e-mail or other communications within the Presidio Trust (including but not limited to those including the FOIA Office) or between the Presidio Trust and other agencies or departments regarding FSL determinations.

We request that all responsive records be provided in electronic form. With respect to any records held in electronic form, we request that they be provided in the original electronic form in which they are held, as complete bitwise digital copies of the original word processing files, PDF files, or other electronic files, including any file headers, embedded metadata, and all other file content. All such data is subject to FOIA and is expressly included within the scope of this request for records.

With respect to any e-mail messages included in the responsive records, we specifically request access to and copies of the complete electronic records, in their full and complete form as held by the agency, including all headers and attachments, fully expanded e-mail addresses, full addresses for address "aliases", full lists for "distribution list" aliases, and all related metadata.

The Identity Project FOIA request for records of Facility Security Level (page 1 of 2)

We specifically request that you not create new documents in response to this request, not create "documents" such as page-view images or print views from digital records, and not substitute such newly-created "documents", images, or views for requested records held by you as digital files.

This information is being sought on behalf of The Identity Project ("IDP"). IDP provides advice, assistance, publicity, and legal defense to those who find their rights infringed or their legitimate activities curtailed by demands for identification, and builds public awareness about the effects of ID requirements on fundamental rights. IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

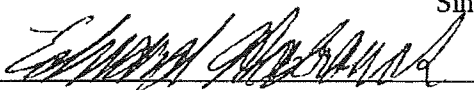
As a representative of the news media we are only required to pay for the direct cost of duplication after the first 100 pages. Through this request, we are gathering information on policies and procedures that is of current interest to the public as part of widespread public interest in implementation of the REAL-ID Act and policies, procedures, and practices related to access to public facilities. According to the "REAL ID Frequently Asked Questions for the Public", available at <<http://www.dhs.gov/real-id-public-faqs>>, the "Facility Security Level" assigned to any Federal facility determines the date of implementation of certain aspects of the REAL-ID Act applicable to visitors to that facility. This information is being sought on behalf of The Identity Project ("IDP"). IDP is a program of the First Amendment Project, a nonprofit organization providing legal and educational resources dedicated to protecting and promoting First Amendment rights.

This information will be made available to the public. The principal activity of IDP is publication of the informational and educational Web site at <<http://www.papersPlease.org>>, where we have published documents obtained in response to our previous FOIA requests.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. The records we are requesting clearly relate to government operations and activities in the management and control of access to, and movement within, Federal facilities. It is in the public interest for the public to know about the policies and practices which affect public access to public facilities. The Identity Project is a nonprofit organization with no commercial interest in this information.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. Please respond as soon as possible to confirm your receipt of this request and to advise the expected date of completion of agency action with respect to this request. We look forward to your complete reply within 20 business days, as the FOIA statute requires.

Sincerely,



Edward Hasbrouck  
Consultant on travel-related issues  
The Identity Project

## Rosen, Alfred

---

**From:** Rosen, Alfred  
**Sent:** Thursday, May 21, 2015 11:32 AM  
**To:** Dallmann, Kelly  
**Subject:** RE: Scanned from a Xerox multifunction device

Yes, I have already started down that road.

-----Original Message-----

From: Dallmann, Kelly  
Sent: Thursday, May 21, 2015 11:30 AM  
To: Rosen, Alfred  
Subject: FW: Scanned from a Xerox multifunction device

You'll handle this, yes?

-----Original Message-----

From: Xerox@presidiotrust.gov [mailto:Xerox@presidiotrust.gov]  
Sent: Thursday, May 21, 2015 11:11 AM  
To: Dallmann, Kelly; Taylor, Michelle  
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: machine location not set  
Device Name: XRX\_9C934E024A8E

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

## Rosen, Alfred

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**From:** Dallmann, Kelly  
**Sent:** Thursday, May 21, 2015 11:38 AM  
**To:** Rosen, Alfred  
**Subject:** RE: Scanned from a Xerox multifunction device

Okay. I'm out of the office until June 1. I have no administrative back up. If you need help, perhaps you can ask Joshua if Diana can help out. Sorry about that.

-----Original Message-----

From: Rosen, Alfred  
Sent: Thursday, May 21, 2015 11:32 AM  
To: Dallmann, Kelly  
Subject: RE: Scanned from a Xerox multifunction device

Yes, I have already started down that road.

-----Original Message-----

From: Dallmann, Kelly  
Sent: Thursday, May 21, 2015 11:30 AM  
To: Rosen, Alfred  
Subject: FW: Scanned from a Xerox multifunction device

You'll handle this, yes?

-----Original Message-----

From: Xerox@presidiotrust.gov [mailto:Xerox@presidiotrust.gov]  
Sent: Thursday, May 21, 2015 11:11 AM  
To: Dallmann, Kelly; Taylor, Michelle  
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

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multifunction device Location: machine location not set  
Device Name: XRX\_9C934E024A8E

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



## Rosen, Alfred

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**From:** Rosen, Alfred  
**Sent:** Thursday, May 21, 2015 3:27 PM  
**To:** deMey, Mariella; Potts, Steve; Healy, Jerry; Kiolbassa, Matt; Hart, Cindy; Ferrell, Bart  
**Subject:** Freedom of Information Request - Please review your files both electronic and paper

All (including Mariella on behalf of Craig):

The Trust has received a Freedom of Information Act request for "copies of any record of, or pertaining to, the determination or potential determination of a "Facility Security Level" (FSL) for the Presidio of San Francisco or any portion thereof." The request is for the "entirety of any document, electronic file, or other record containing any responsive records." Please review your files, both paper and electronic and provide me with hard copies of any responsive materials not later than June 3<sup>rd</sup>. I will then ask our IT department to access these records electronically in order for us to respond in the requested format. I must have your response not later than COB Wednesday, June 3<sup>rd</sup>. If, after conducting a diligent search, you conclude that you do not have any responsive records, please communicate that to me by email message.

As the request is for "any record of, or pertaining to" the subject matter, it should be construed broadly. By way of example, if you had an email message inviting you to a meeting to discuss the determination of an FSL, or if you were copied on such an email, that message should be considered responsive. Please let me know if you have any questions.

Thanks very much.  
Al

Al Rosen  
Deputy General Counsel

Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
(415) 561-5419

## Rosen, Alfred

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**From:** Kiolbassa, Matt  
**Sent:** Wednesday, May 27, 2015 7:59 PM  
**To:** Rosen, Alfred  
**Subject:** RE: Freedom of Information Request - Please review your files both electronic and paper

Al,

I have conducted a diligent search of my files, both paper and electronic, and I conclude that I do not have any responsive records.

**Matt Kiolbassa**  
Fire Marshal

Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
(415) 561-4001 Office  
(415) 850-7980 Mobile  
(415) 561-5505 Dispatch  
[www.presidio.gov](http://www.presidio.gov)  
[Facebook](#) | [Twitter](#)

**From:** Rosen, Alfred  
**Sent:** Thursday, May 21, 2015 3:27 PM  
**To:** deMey, Mariella; Potts, Steve; Healy, Jerry; Kiolbassa, Matt; Hart, Cindy; Ferrell, Bart  
**Subject:** Freedom of Information Request - Please review your files both electronic and paper

All (including Mariella on behalf of Craig):

The Trust has received a Freedom of Information Act request for "copies of any record of, or pertaining to, the determination or potential determination of a "Facility Security Level" (FSL) for the Presidio of San Francisco or any portion thereof." The request is for the "entirety of any document, electronic file, or other record containing any responsive records." Please review your files, both paper and electronic and provide me with hard copies of any responsive materials not later than June 3<sup>rd</sup>. I will then ask our IT department to access these records electronically in order for us to respond in the requested format. I must have your response not later than COB Wednesday, June 3<sup>rd</sup>. If, after conducting a diligent search, you conclude that you do not have any responsive records, please communicate that to me by email message.

As the request is for "any record of, or pertaining to" the subject matter, it should be construed broadly. By way of example, if you had an email message inviting you to a meeting to discuss the determination of an FSL, or if you were copied on such an email, that message should be considered responsive. Please let me know if you have any questions.

Thanks very much.

Al

Al Rosen  
Deputy General Counsel

Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
(415) 561-5419

## Rosen, Alfred

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**From:** Healy, Jerry  
**Sent:** Thursday, June 04, 2015 9:53 AM  
**To:** Rosen, Alfred  
**Subject:** RE: Freedom of Information Request - Please review your files both electronic and paper

Al,  
I have nothing to offer related to this request.

Thank you,

**Jerry Healy**  
**Director of Building Maintenance Department**

The Presidio Trust  
103 Montgomery Street, P.O. Box 29052  
San Francisco, CA 94129  
(415) 561-4252  
[www.presidio.gov](http://www.presidio.gov)  
[Facebook](#) | [Twitter](#)

**From:** Rosen, Alfred  
**Sent:** Thursday, June 04, 2015 9:34 AM  
**To:** Healy, Jerry  
**Subject:** FW: Freedom of Information Request - Please review your files both electronic and paper

Jerry, I need your response. If you have nothing, please confirm by email. Thanks very much. Al

**From:** Rosen, Alfred  
**Sent:** Thursday, May 21, 2015 3:27 PM  
**To:** deMey, Mariella; Potts, Steve; Healy, Jerry; Kiolbassa, Matt; Hart, Cindy; Ferrell, Bart  
**Subject:** Freedom of Information Request - Please review your files both electronic and paper

All (including Mariella on behalf of Craig):

The Trust has received a Freedom of Information Act request for "copies of any record of, or pertaining to, the determination or potential determination of a "Facility Security Level" (FSL) for the Presidio of San Francisco or any portion thereof." The request is for the "entirety of any document, electronic file, or other record containing any responsive records." Please review your files, both paper and electronic and provide me with hard copies of any responsive materials not later than June 3<sup>rd</sup>. I will then ask our IT department to access these records electronically in order for us to respond in the requested format. I must have your response not later than COB Wednesday, June 3<sup>rd</sup>. If, after conducting a diligent search, you conclude that you do not have any responsive records, please communicate that to me by email message.

As the request is for "any record of, or pertaining to" the subject matter, it should be construed broadly. By way of example, if you had an email message inviting you to a meeting to discuss the determination of an FSL, or if you were copied on such an email, that message should be considered responsive. Please let me know if you have any questions.

Thanks very much.

Al

Al Rosen  
Deputy General Counsel

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